

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE PETITION)
OF KAVANAGH FISHERIES, INC.,)
OWNER OF THE F/V ATLANTIC)
FOR EXONERATION FROM OR)
LIMITATION OF LIABILITY)

CIVIL ACTION NO. 05-10637-GAO

**MOTION FOR ORDER DIRECTING ISSUANCE OF NOTICE AND RESTRAINING
PROSECUTION OF CLAIMS AND FOR ACCEPTANCE OF AD-INTERIM
STIPULATION FOR VALUE**

The Petitioner in the above-captioned matter has filed a Petition seeking exoneration from or limitation of liability. In addition, the Petitioner has filed an Ad-Interim Stipulation for Value to which this Court may attach its jurisdiction. The Petitioner prays that this Honorable Court accept the Ad-Interim Stipulation for Value (subject to further proceedings in this matter) and issue the Order Directing Issuance of Notice and Restraining Prosecution of Claims. Doing so will allow Petitioner's counsel to provide timely notice to all known claimants and publish and/or post notice of this proceeding so that no potential claimants position might be prejudiced.

Wherefore, the Petitioner prays that its motion be allowed and that the Order issue forthwith.

Date: May 13, 2005

For the Petitioner,
Kavanagh Fisheries, Inc.,
By their attorneys:

REGAN & KIELY LLP

/s/ Syd A. Saloman
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE PETITION)	
OF KAVANAGH FISHERIES, INC.,)	
OWNER OF THE F/V ATLANTIC)	CIVIL ACTION NO. 05-10637-GAO
FOR EXONERATION FROM OR)	
LIMITATION OF LIABILITY)	

**ORDER DIRECTING ISSUANCE OF NOTICE AND
RESTRAINING PROSECUTION OF CLAIMS**

A Petition having been filed herein on April 1, 2005 by the above named Petitioner as owner of the F/V ATLANTIC, for exoneration from and/or limitation of liability, pursuant to Sections 4283 through 4289 inclusive of the Revised Statutes of the United States and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure for any loss, damage, injury or destruction caused by or resulting from the incident involving the F/V ATLANTIC during the voyage of the F/V ATLANTIC which commenced on March 13, 2005 at Cape May, New Jersey and which terminated upon the collision which occurred on March 17, 2005 as more fully described in the Petition.

AND the Petitioner having filed an Ad Interim Stipulation for the Value of the said vessel and her pending freight and for costs, all as required by the rules of court and law;

Now on motion of Syd A. Saloman, Regan & Kiely LLP, attorneys for the Petitioner, it is hereby ORDERED, as follows:

1. The Ad Interim Stipulation for the Value, executed on the 12th day of May, 2005 by the Petitioner is accepted by this court subject to further proceedings involving the same; and
2. The commencement or further prosecution of any action or proceeding against the Petitioner, its underwriters or any of their property with respect to any claims for which

the Petitioner seeks exoneration or limitation of liability, including any claim arising out of or connected with any loss, damage, injury or destruction resulting from the casualty described in the Petition, is hereby stayed, enjoined and restrained until the hearing and determination of this proceeding.

The Petitioner and any claimant(s) who may properly become a party hereto, may contest the amount or value of Petitioner's interest in the F/V ATLANTIC and its pending freight, as fixed in said Ad Interim Stipulation for the Value, as submitted, and may move that the Court order an independent appraisal of said interest and may apply to have the amount of said stipulation increased or diminished, as the case may be, on the determination by the Court of the amount or value of said interest.

A notice shall issue out of and under the seal of this Court and signed by a Clerk of this Court, admonishing all persons asserting claims for any and all losses, damages, injuries or destructions allegedly resulting from or incident to the occurrences and happenings recited in the Complaint to file their respective claims with the Clerk of this Court as described herein, on or before the 29th day of July, 2005 and serve on attorneys for the Petitioner a copy thereof, and require any claimant who desires to contest Petitioner's right to exoneration from or right to limitation of liability to file and serve an answer to the complaint, unless his/her claim has included an answer.

The publication of the aforesaid notice in the form required by Rule F of the Supplemental Rules of the Federal Rules of Civil Procedure and for Certain Admiralty and Maritime Claims shall be published in a newspaper of general circulation in the area of New Bedford, Massachusetts and that counsel for the Petitioner, in lieu of the United

States Marshal, shall publish notice of this action, as required by law, and shall give actual notice by certified mail, at the last known and usual address at the time of the above described casualty, and return evidence of said Notice to this Honorable Court.

The Petitioner, no later than the second day of publication of the notice ordered herein, shall mail a copy of the notice to every person known to have any claim against the F/V ATLANTIC or Petitioner, arising out of the voyage described in the Petition.

United States District Court
Judge George A. O'Toole

Date: _____

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DISTRICT OF MASSACHUSETTS

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AD-INTERIM STIPULATION FOR VALUE

Whereas the Petitioner in the above-captioned matter has filed a Petition seeking exoneration from or limitation of liability on account of all losses, damages, injuries or destruction allegedly resulting from the casualty described in the complaint, in which the Petitioners pray, among other things, that a notice issue to all persons asserting claims for loss, damages, injuries or destruction, admonishing them to file their respective claims and to answer the Petition, and that an injunction may issue restraining the commencement and prosecution of any actions or proceedings against the Petitioner, its underwriters, or any of its property resulting from the casualty described in the Petition; and

Whereas, on information and belief, the value of the vessel, exclusive of her permit, and her pending freight after the casualty described in the Petition does not exceed \$1,000,000; and

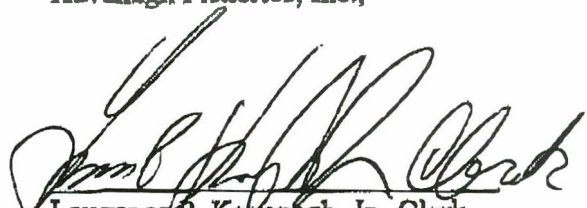
Whereas, Petitioner wishes to prevent the commencement or prosecution hereafter of any and all actions, or suits, or legal proceedings of any nature or description whatsoever in any and all courts, and Petitioner wishes to provide an Ad Interim Stipulation for Value of their interest in the aforesaid vessel and her pending freight (if any) as security for all those who may file claims

herein pending the ascertainment of the amount or value of Petitioner's interest in said vessel and her pending freight, if an appraisal be sought, then to stand as a stipulation for value.

Now therefore, in consideration of the premises, Petitioner undertakes in the sum of one million dollars (\$1,000,000), which represents Petitioner's interest in said vessel, that Petitioner stipulates that they will pay into the Court, in lawful money of the United States, or otherwise file a Bond or such other security, whenever the Court shall so order, the above mentioned sum, or any increased amounts that may be required by this Court, based on an independent appraisal, if one is sought by the claimants or otherwise ordered by this Court.

Date: May 12, 2005

For the Petitioner,
Kavanagh Fisheries, Inc.,


Lawrence P. Kavanagh, Jr., Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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OWNER OF THE F/V ATLANTIC)	CIVIL ACTION NO. 05-10637-GAO
FOR EXONERATION FROM OR)	
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**NOTICE OF PETITION FOR EXONERATION
FROM OR LIMITATION OF LIABILITY**

Notice is hereby given that Kavanagh Fisheries, Inc., owner of the F/V ATLANTIC, has filed a Petition pursuant to Sections 4283 through 4289 inclusive of the Revised Statutes of the United States, Title 46 App. U.S.C.A. §183 et seq. claiming the right to exoneration from and/or limitation of liability for all claims and for any loss, damage, injury or destruction caused by or resulting from the collision involving the F/V ATLANTIC during the voyage of the F/V ATLANTIC which commenced on March 13, 2005 at Cape May, New Jersey and which terminated upon the collision which occurred on March 17, 2005 as more fully described in the Petition.

All persons having such claims must file them, under oath, as provided by Supplemental Rules for Certain Admiralty and Maritime Claims Rule F(4), with the Clerk of this Court at the United States District Court, One Courthouse Way, Suite 2300, Boston, Massachusetts 02210, and serve on or mail to the Petitioner's attorneys, Regan & Kiely LLP, 85 Devonshire Street, Boston, Massachusetts 02109, a copy thereof, at or before July 29, 2005 or be defaulted. Personal attendance is not required.

If any claimant desires to contest either the right to exoneration from or the right to limitation of liability, he/she shall file and serve on the attorneys for the Petitioner an Answer to

the Petition on or before the aforesaid date unless his/her claim has included an Answer, so designated, or be defaulted.

Deputy Clerk
United States District Court

Date: _____

Regan & Kiely LLP
Attorneys for Petitioner
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